

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 09, 2005

DIVISION ONE

B167592 Moriarty (Not for Publication)

V.

American Honda Finance Corporation et al.

Plaintiff's request for dismissal of his appeal is granted. The appeal filed May 19, 2003 is hereby dismissed with prejudice. (Cal. Rules of Court, rule 20 (c) (2).) In accordance with their settlement agreement, the parties are to bear their own costs on appeal. The remittitur shall issue forthwith. (*Id.*, rules 20 (c) (2), 26(c) (1).)

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B172783 People (Not for Publication)

V.

Jimenez

The judgment is affirmed.

Spencer, P.J.

I concur: Suzukawa, J. (assigned)

I concur in judgment only: Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B172090 People (Not for Publication)
v.
Meza

The judgment is affirmed.

Spencer, P.J.

I concur: Mallano, J.

I concur in judgment only: Vogel (Miriam A.), J.

B170447	Shiell, et al. v. County of Los Angeles, et al.	(Not for Publication)
B171089	Hall, et al. v. County of Los Angeles, et al.	
B176658	County of Los Angeles, et al. v. Danna Hall, et al.	

The County's petition for a writ of mandate is granted, and a peremptory writ shall issue commanding the trial court to enter new orders (1) granting the County's second motion to disqualify Bendich, Stobaugh & Strong as Class Counsel, (2) entering such orders as are necessary and appropriate to insure that Class Counsel (including Rottman Kaplan) has no further contact with these cases, and (3) granting the County's motion to sever Mauricette's claims from those of the class (on the same terms and conditions as the order severing Flanagan's claims). The County's appeal from the first disqualification order is dismissed as moot. On the other appeals, the orders are all affirmed. The parties shall pay their own costs of these proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

February 09, 2005 (Continued)

DIVISION ONE (Continued)

B171623 People (Not for Publication)
v.
Carlos Saravia

The judgment is affirmed.

Spencer, P.J.

I concur: Mallano, J.

I concur in judgment only: Vogel (Miriam A.), J.

B170958 People v. Reginald C. Gray (Not for Publication)
B174448 In Re Gary on Habeas Corpus

The judgment is affirmed. Defendant's petition for writ of habeas corpus is denied.

Spencer, P.J.

We concur: Mallano, J.
Suzukawa, J. (Assigned)

DIVISION TWO

B167778 People (Not for Publication)
v.
Purvis

The judgment is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B175334 Children and Family Services v. Latrina T., et al.
B175626/B176738 Children and Family Services v. DeShon G., et al.
B173047 People v. Nash, et al.
B172599 People v. Arrizon
B171861 People v. Cardan

Argument waived, cause submitted.

B173641 Sunderland, et al.
 v.
 Lockheed Martin Aeronautical Systems Support Company

Merits:
Argued by Rita Gunasekaran for respondent. No appearance by the appellants. Cause submitted.

B170767 Garrison-Dillard
 v.
 County of Los Angeles, et al.

Merits:
Argued by James A. Rainboldt for appellant and by Steven H. Taylor for respondents. Cause submitted.

B174240 Windward Associates, et al.
 v.
 City of Hermosa Beach

Merits:
Argued by James Bright for appellants and by Rochelle Browne for respondent. Cause submitted.

DIVISION THREE (Continued)

B166862 Sharp
 v.
 Gray, York, Duffy, LLP

Merits:
Argued by Douglas Collodel and Michael Cogan for appellants and by David L. Sharp, in propria persona for respondent. Cause submitted.

B166475 Daimlerchrysler Services North America, LLC, et al.
 v.
 Zurich Insurance Company

Merits:
Argued by Jonathan Gross for appellant and by Steven Sacks and Eric VanVugt for respondents. Cause submitted.

Court recessed at 12:57 p.m.

Court reconvened at 1:45 p.m.

Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B176416 Children and Family Services v. Rodney H.
B169858 People v. Ghang, et al.
B175255 People v. Valle
B170750 People v. Quaranta

Argument waived, cause submitted.

B171605 Local Initiative Health Authority for Los Angeles
 v.
 California Department of Health Services

Merits:
Argued by Scott Ezra for appellant and by Gregory Cribbs, deputy attorney general for respondent. Cause submitted.

DIVISION THREE (Continued)

B169078 People
v.
Lopez

Merits:

Argued by Martha McNab Hall for appellant and by Timothy Weiner, deputy attorney general for respondent. Cause submitted.

B172140 Mosaic Sales Solutions U.S. Operating Company, et al.
v.
Spar Group, Inc., et al.

Merits:

Argued by Michael Aprahamian for appellants and by Jeffrey M. Dennis for respondents. Cause submitted.

B170719 Hahn, et al.
v.
U.S.C. University Hospital, et al.

Merits:

Argued by Suzanne E. Rand-Lewis for appellants and by Vangi Johnson and Gracila Freixes for respondents. Cause submitted.

Court adjourned at 3:06 p.m.

B169102 People (Not for Publication)
v.
Gregory Andre Smith

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B171145 El Sayed Ahmed Gabr (Not for Publication)
v.
Fire Insurance Exchange, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B172646 Yuki Yobasyashi (Not for Publication)
v.
Jose Aleman, et al.

The judgment is affirmed. Kobayashi is to bear his own costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

B174285 People (Not for Publication)
v.
Danasiri Ratnaweera

The judgment is modified by vacating the trial court's order requiring appellant to pay restitution to the Los Angeles County Department of Social Services in the amount of \$59, 589.74, and the matter is remanded to the trial court with directions to recalculate and order restitution consistent with this opinion. As modified, the judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FOUR

B177586 Edward N. (Not for Publication)

$$\mathbf{V}_i$$

Superior Court, Los Angeles County
(Los Angeles County Dept. of Children and Family Services)

The petition is granted and the dependency court is directed to vacate its order terminating reunification services and setting a hearing under section 366.26. It is directed to consider an extension of reunification services to father consistent with the views expressed in this opinion.

Epstein, P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B178337 People (Not for Publication)

V.

Samuel Pina

The appeal filed October 1, 2004, is dismissed.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J. (Assigned)

B166320 Ronald B. Vogel, II, et al. (Not for Publication)

 \mathbf{V}_s

The Way Institute of Martial Arts et al.

The judgment is affirmed. Defendants are awarded their costs on appeal.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J. (Assigned)

DIVISION FIVE (Continued)

B172981 Thomas Branick et al. (Certified for Publication)
 v.
 Downey Savings and Loan Association

The judgment is reversed and the matter is remanded to the trial court to exercise its discretion regarding whether to grant leave to amend the amended complaint if there is a request for such amendment. The parties shall bear their own costs on appeal.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J. (Assigned)

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B161737 Santa Maria Enterprises, Inc. v. Texaco Exploration & Production
B173254 Tejada v. Back
B175150 Belsky v. Fraternity of Phi Gamma Delta
B177734 Kindred v. Vandergrift

Argument continued to March, 2005.

B173748 Patrick M.
 v.
 Ventura County

Merits:
Argued by Joseph A. Hackett for appellants and by Jeffrey Held for respondent. Cause submitted.

DIVISION SIX (Continued)

B175824 Dewey
 v.
 Petrovich

Merits:

Argued by Gary R. Ricks for appellant / cross-respondent and by Laura G. Dewey, respondent / cross-appellant, appearing in propria persona. Cause submitted.

B178371 Marriage
 of
 Starkman

Merits:

Argued by Gregory Wallace Herring for appellant and by Bernard N. Wolf for respondent. Cause submitted.

Coffee, J. left the bench.

B173596 Tompkins
 v.
 Pacifica Companies

Merits:

Argued by Cody Dale Lund for appellant and by Elisabeth Celeste Crampton for respondent. Cause submitted.

B172235 Sy
 v.
 California State University

Merits:

Argued by Neil S. Tardiff for appellants; by Mark A. Brown, Deputy Attorney General, for respondent California State University; by Gary R. Ricks for respondent Church of Jesus Christ of Latter Day Saints and by Joseph R. Zamora for respondent First Worthing Co. Cause submitted.

DIVISION SIX (Continued)

B173538 Bray
 v.
 Airey

Merits:

Argued by Laurack Bray, appellant, appearing in propria persona; by William D. Pangburn for respondents Airey, et al. and by William G. Schneberg for respondent Nguyen. Cause submitted.

Court recessed at 11:10 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B167996 Munari v. City of El Paso de Robles

 Argument continued to March, 2005.

B179051 George P. v. Dept. of Social Services

 Presentation waived, cause submitted.

B172876 Schreiner
 v.
 Schreiner

Merits:

Argued by Stacy L. Sokol for appellant and argument waived by respondent pursuant to Rule 17(a)(2), Calif. Rules of Court. Cause submitted.

DIVISION SIX (Continued)

B174800 Watts
 v.
 Kyle

Merits:

Argued by James Donald Crosby for appellant and by Roy E. Ogden for respondent. Cause submitted.

B176919 Child Protective Services
 v.
 Steven S.

Merits:

Argued by Jerome Zamos for appellant; by Toni Lorien, Deputy County Counsel, for respondent Child Protective Services and by Lisa Fritz, Deputy District Attorney, for minor. Cause submitted.

Court recessed at 2:45 P.M.

Court reconvened at 2:55 P.M.

Present: Gilbert, P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B176587 NBC
 v.
 The People

Merits:

Argued by Theodore J. Boutrous, Jr. for appellants; by Robert M. Sanger for respondent Jackson and by Stephen D. Underwood, Assistant County Counsel, for respondent Santa Barbara Superior Court. Cause submitted.

Court adjourned at 4:00 P.M.

DIVISION SEVEN

B166923 Burdusis (Not for Publication)
v.
Rent-A-Center, Inc.

The order of the superior court is reversed, and the matter is remanded for the Superior Court to reconsider its ruling in light of the holdings on *Sav-On* and *Bell*. The parties are to bear their own costs on appeal.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

DIVISION EIGHT

B159950	Caltex Plastics, Inc., v. Louis Friedman et al., (Not for Publication)
B165095	Caltex Plastics, Inc. v. Honeywell International, Inc.

For the reasons set forth above, the summary adjudication order on the fraud cause of action is reversed and the matter is remanded for a new trial on that cause of action alone. The judgment from the trial of the breach of contract and warranty causes of action is affirmed to the extent of the jury verdicts on those claims. On remand, the trial court is to determine the extent to which those verdicts have any binding or conclusive effect on the trial of the fraud claim. Caltex shall recover its appellate costs in connection with its appeal of the summary adjudication order. As to the appeal by Honeywell and cross-appeal by Caltex from the judgment following trial, each party shall bear its own costs.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

February 09, 2005 (Continued)

DIVISION EIGHT (Continued)

B171866 People (Not for Publication)
v.
Diaz

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

B170899 Los Angeles County, D.C.S. (Not for Publication)
v.
Curtis B.,
In re Brandon B. et al., Persons Coming Under the Juvenile Court Law.

The order denying reunification services to father is affirmed.

Flier, J.

We concur: Cooper, P.J.
 Boland, J.

[illegible]

The judgment is modified to add imposition of a \$20 court security fee pursuant to Penal Code section 1465.8, subdivision (a)(1). The clerk of the superior court shall prepare and deliver to the Department of Corrections and amended abstract of judgment that includes this fee. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Boland, J.

February 09, 2005 (Continued)

DIVISION EIGHT (Continued)

B174357 People (Not for Publication)
v.
Ihenacho

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B176524 Los Angeles County, D.C.S. (Not for Publication)
v.
Daiana R. and Raul S., Sr.,
In re Jasmine R. et al, Persons coming Under the Juvenile Court Law.

For the reasons set forth above, the order terminating the parents' parental rights as to both children is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.